

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

FILED

FEB 27 2008

[Signature]
CLERK

* * * * *
SEBASTIEN POCHAT and TONI POCHAT,

Plaintiffs,

Civ. 08- 5015
NOTICE OF REMOVAL

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.
* * * * *

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA;
THE CLERK OF THESEVENTH JUDICIAL CIRCUIT COURT OF SOUTH DAKOTA.
PENNINGTON COUNTY; AND TO PLAINTIFFS ABOVE NAMED AND THEIR
ATTORNEY, ROBIN ZEPHIER:

1. Defendant hereby exercises its right under 28 U.S.C. §§ 1441 and 1446, as amended, to remove this action from the Seventh Judicial Circuit Court of South Dakota, Pennington County, in which said action is now pending.

2. This is a civil action over which this Court has original diversity jurisdiction under 28 U.S.C. § 1332, in that Plaintiffs are residents of Rapid City, South Dakota; Defendant is a corporation with its principal place of business in Bloomington, Illinois; and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

3. This Notice of Removal is filed within thirty days after the completed service on and receipt by Defendant of the initial pleading setting forth the claim for relief on which such action is based.

4. Attached hereto and incorporated herein are true and correct copies of the Summons and Complaint, being all of the process and pleadings served upon Defendant in this action.

5. Upon filing of the Notice of Removal, a true copy hereof shall be filed with the Clerk of the Seventh Judicial Circuit Court of South Dakota, Pennington County, and served upon Plaintiffs' attorney as provided by law.

NOW, THEREFORE, this action is hereby removed to the above-named United States District Court, pursuant to law.

Dated this 21st day of February, 2008


John S. Theeler

Jody Odegaard Smith
Of MORGAN THEELER LLP
P.O. Box 1025, 221 E. Third Ave.
Mitchell, SD 57301-7025
Phone: (605) 996-5588


CERTIFICATE OF SERVICE

The undersigned attorney for Defendant, certifies that on this date a true and correct copy of the foregoing Notice of Removal with attachments and Answer were mailed by first class, postage prepaid mail to the following:

Robin L. Zephier
2020 W. Omaha
PO Box 9460
Rapid City, South Dakota 57709

Clerk of Court
Seventh Judicial Circuit
PO Box 230
Rapid City, SD 57709

Dated this 21st day of February, 2008


John S. Theeler

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